THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.21897 OF 2005

Date: 26th October 2006

Between:
Varri Papu Naidu, s/o Pydithalli,
Hindu, aged 31 years, F.P.Shop Dealer,
R/o Pedavamali village, Gantyada Mandal,
Vizianagaram District.

…. Petitioner.

And

1. The District Collector,
   Vizianagaram town & District,
   and 4 others.

…. Respondents.

* * *

ORDER:

This writ petition is filed being aggrieved by the proceedings of the District Collector in RP.No.4/05-G8, dated 19.3.2005, wherein the orders passed by the Joint Collector and Additional District Magistrate, Vizianagaram, in his proceedings FPSAP.No.7/2004 G8, dated 29.10.2004, allowing the appeal filed by the respondent Nos.4 and 5 against the appointment of the petitioner as fair price shop dealer by the Revenue Divisional Officer, Vizianagaram, through his proceedings dated 05.9.2004, was confirmed.

2. It appears that in pursuance of the notification issued by the Revenue Divisional Officer, Vizianagaram, for filling up of vacancy

of fair price shop dealership of Pedavamali village, Gantyada Mandal, Vizianagaram District, the petitioner and some others applied for the same. After due process, the petitioner seems to have been appointed as fair price shop dealer against the said shop through the proceedings of the Revenue Divisional Officer, dated 05.9.2004. Aggrieved by the same, respondents 4 and 5 filed an appeal before the Joint Collector, Vizianagaram District, complaining that the petitioner was involved in three criminal cases at the time of his appointment as fair price shop dealer and the same is a disqualification for appointment of fair price shop dealer as per the guidelines issued by the Government from time to time. The Joint Collector, on verification of the criminal cases, having called for a report from the Mandal Revenue Officer, Gantyada, in this regard, convinced that the petitioner was involved in three criminal cases, therefore, the order of the Revenue Divisional Officer, Vizianagaram, appointing the petitioner as fair price shop dealer is illegal and contrary to the guidelines issued by the Government in G.O.Ms.No.53 dated 06.10.2003, and therefore, the appointment of the petitioner as fair price shop dealer was set aside asking the Revenue Divisional Officer, to issue notification afresh and select suitable candidate duly following the procedure, by an order dated 29.10.2004. Aggrieved by the same, the petitioner further carried the matter in appeal before the District Collector and Magistrate, Vizianagaram. The District Collector also, after verification and hearing the counsel for the petitioner and having convinced that the criminal cases under Sections 160, 324, 323, 427, 506 (ii) and 447 IPC are pending against the petitioner, dismissed the appeal. Aggrieved

by the same, the present writ petition is filed.

3. Involvement of the petitioner in criminal cases and pendency of the same, as a matter of record, was verified by the Joint Collector, and on the basis of recorded evidence, came to the conclusion that the Revenue Divisional Officer, Vizianagaram, has not properly verified the antecedents of the petitioner, and therefore, his appointment was liable to be set aside. The petitioner though claims that no notice of any kind has been issued to him by the Joint Collector while hearing the appeal, never denied his involvement in the said three criminal cases and their pendency before the criminal courts.

4. In view of the above, there is no necessity of going into all the details. The very fact that the petitioner is involved in three criminal cases would disentitle him for being appointed as a fair price shop dealer atleast for the present. Therefore, the order passed by the Joint Collector neither can be said to be arbitrary nor illegal. The orders passed by the District Collector, confirming the orders of the Joint Collector, Vizianagaram, does not suffer from any legal infirmity calling interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

5. The writ petition is accordingly dismissed. No costs.

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C.V.RAMULU, J.

Date: 26th October 2006.
BSB